

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ALVERENE BUTLER,

Plaintiff,

V.

**ALABAMA DEPARTMENT OF
TRANSPORTATION, *et al.*,**

Defendants.

CASE NO. 2:06-cv-00278-MEF-CSC

**DEFENDANTS' DEPOSITION AND DOCUMENT DESIGNATION
TO BE USED AT TRIAL**

At this point in time the Defendants do not anticipate presentation of any witness's testimony by means of deposition as described in Rule 26(a)(3)(B) and Section 11 of the Uniform Scheduling Order (Doc No. 21). The Defendants have, however, referenced the following pages of depositions taken in the case at bar:

1. Deposition of Alverene Butler, Exhibit A, pages 14, 16, 28, 55, 55, 122, and 123.
2. Deposition of Mark Waits, Exhibit B, pages 11, 15, 16, and 23-28.
3. Deposition of Karen Stacey, Exhibit C, pages 13-16, 18, 19, 20, 23-26, 29-32, 35-39.
4. Deposition of Todd Jackson, Exhibit D, pages 12-16, 25-28, 34.

With regard to documents, the Defendants have submitted certain evidentiary materials in support of Defendants' Motion for Summary Judgment (Doc. No. 27). The Defendants anticipate using the submitted evidentiary materials at trial with the exception of the affidavits submitted in support of the Motion for Summary Judgment.

With regard to the exchange of witness lists, exhibit lists, and exhibits the parties have, in writing, agreed to a deadline of May 14, 2007 for the subject exchange.

RESPECTFULLY SUBMITTED
TROY KING
ATTORNEY GENERAL

s/ Harry A. Lyles

Jim R. Ippolito, Jr. (IPP001)
Assistant Attorney General
Chief Counsel

Harry A. Lyles (LYL001)
Assistant Attorney General
Assistant Counsel

ADDRESS OF COUNSEL:

State of Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, Alabama 36110
Telephone: (334) 242-6350
Facsimile: (334) 264-4359
lylesh@dot.state.al.us

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May, 2007, I have served the foregoing on the following by placing copies thereof, addressed as indicated below, in United States Mail, First Class postage prepaid:

Mr. Jay Lewis, Esq.
Law Offices of Jay Lewis, L.L.C.
P.O. Box 5059
Montgomery, Alabama 36103-5059
(334) 263-7733
ATTORNEY FOR PLAINTIFF

s/ Harry A. Lyles

Harry A. Lyles (LYL001)
Assistant Attorney General
Assistant Counsel

ADDRESS OF COUNSEL:

State of Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, Alabama 36110
(334) 242-6350 (office)
(334) 264-4359 (facsimile)